

In the Drawings:

Applicant submits herewith a replacement sheet for the drawings.

REMARKS/ARGUMENTS

Claims 1-42 are pending in the application. The Examiner has rejected claims 1-42. The specification has been objected to by the Examiner. The drawings filed with the application have been objected to by the Examiner. Applicant respectfully requests reconsideration of pending claims 1-42.

Regarding the drawings, the Examiner states, "Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Applicant encloses herewith a replacement sheet for Figures 1 and 2 conforming to the Examiner's instructions. Applicant submits the proposed amendments to the drawings are merely cosmetic and do not change the scope or meaning of the claims or add new matter.

Regarding the abstract, the Examiner states, "In particular, the first sentence of the abstract, which is the same as the title of the present application, should not be included on the abstract page. In addition, the abstract has exceeded 150 words in length." Applicant has amended the abstract. Applicant submits the amended abstract adds no new matter. Applicant submits the Examiner's objection to the abstract has been obviated.

Regarding claims 26-30, the Examiner has raised objections for "minor informalities." The Examiner provides specific instructions as to how such claims should be amended to correct such "minor informalities." Accordingly, Applicant submits the proposed amendments are merely cosmetic and do not change the scope or meaning of the claims or add new matter.

The Examiner has rejected claims 1-16, 18-20, and 22-42 under 35 U.S.C. § 102(e) as being anticipated by Bearden et al. (U.S. Publication 2003/0097438 A1). Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 1. For example, Applicant submits "(getting a list of addresses used by devices in the network, paragraph 0106)," as cited by the Examiner, fails to disclose "selecting a first network address from a first set comprising a plurality of network addresses." As another example, the Examiner cites "(associated with an address, paragraph 0106)" as allegedly teaching "...associated with said first network address" in claim 1. However, Applicant can find no recitation of "associated with an address" in the cited portion of Bearden et al. As a further example, the Examiner cites "(receiving an address associated with a device)" as allegedly teaching "receiving a first appropriate

response from a first device associated with said first network address.” However, the Examiner does not cite a portion of Bearden et al. where such alleged teaching is located, and Applicant cannot find such teaching in either of cited paragraphs 0106 or 0210. Thus, Applicant submits claim 1 is in condition for allowance.

Regarding claim 2, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 2. For example, the Examiner cites “(network devices may not have been discovered during the device discovery phase, paragraphs 0123, 0210)” as allegedly teaching “failing to receive a second appropriate response to a second message sent to said second address within a response time period.” However, Applicant cannot find such teaching in either of cited paragraphs 0123 or 0210. As another example, Applicant submits “(to get a list of addresses used by devices in network, paragraph 0106)” fails to disclose “selecting a third network address from said first set of network addresses.” Thus, Applicant submits claim 2 is in condition for allowance.

Regarding claim 3, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 3. For example, the Examiner cites “(a list of addresses, paragraph 0106)” as allegedly teaching “wherein said first set of network addresses comprises a range of network addresses.” However, Applicant submits the “list of addresses” does not disclose “a range of network addresses.” Moreover, Applicant notes paragraph 0106 states, “A list of addresses is obtained by recording the addresses that respond to the requests.” However, Applicant notes claim 1, from which claim 3 depends, states, “selecting a first network address from a first set comprising a plurality of network addresses” and “sending a first message to said first network address requesting information about any device associated with said first network address.” Thus, Applicant submits, in view of the Examiner’s allegations regarding claim 1, “(a list of addresses, paragraph 0106)” does not disclose “wherein said first set of network addresses comprises a range of network addresses.” Thus, Applicant submits claim 3 is in condition for allowance.

Regarding claim 4, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 4. For example, the Examiner cites “(a list of addresses, paragraph 0106)” as allegedly teaching “wherein said first set of network addresses comprises a list of network addresses.” However, Applicant notes paragraph 0106 states, “A list of addresses is obtained by recording the addresses that respond to the requests.” However, Applicant notes claim 1, from which claim 4 depends, states, “selecting a first network address from a first set comprising a plurality of

network addresses” and “sending a first message to said first network address requesting information about any device associated with said first network address.” Thus, Applicant submits, in view of the Examiner’s allegations regarding claim 1, “(a list of addresses, paragraph 0106)” does not disclose “wherein said first set of network addresses comprises a list of network addresses.” Thus, Applicant submits claim 4 is in condition for allowance.

Regarding claim 5, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 5. For example, Applicant notes the Examiner cites “(getting a list of addresses used by devices in the network, paragraph 0106),” as allegedly disclosing “selecting a fourth network address from a first set comprising a plurality of network addresses.” However, Applicant submits such limitation is not found in claim 5. Moreover, Applicant submits the Examiner does not allege Bearden et al. as teaching “selecting a fourth network address from a second set comprising a plurality of network addresses.” As another example, Applicant notes the Examiner cites “(sending a SNMP message)” as allegedly disclosing “sending a fourth message to said first network address.” However, Applicant submits such limitation is not found in claim 5. Moreover, Applicant submits the Examiner does not allege Bearden et al. as teaching “sending a fourth message to said fourth network address.” As a further example, Applicant notes the Examiner cites “(associated with an address, paragraph 0106)” as allegedly disclosing “associated with said first network address.” However, Applicant submits such limitation is not found in claim 5. Moreover, Applicant submits the Examiner does not allege Bearden et al. as teaching “associated with said fourth network address.” As yet another example, Applicant notes the Examiner cites “(awaiting a response from a SNMP request during the device response time interval, paragraph 0210)” as allegedly disclosing “awaiting a fourth appropriate response to said first message.” However, Applicant submits such limitation is not found in claim 5. Moreover, Applicant submits the Examiner does not allege Bearden et al. as teaching “awaiting an appropriate response to said fourth message.” Thus, Applicant submits the Examiner has failed to present a *prima facie* showing of anticipation of the subject matter of claim 5 by the teachings of the cited portions of Bearden et al. Thus, Applicant submits claim 5 is in condition for allowance.

Regarding claim 6, Applicant has presented arguments for the allowability of claim 1, from which claim 6 depends. Thus, Applicant submits claim 6 is also in condition for allowance.

Regarding claim 7, Applicant has presented arguments for the allowability of claim 1, from which claim 7 depends. Thus, Applicant submits claim 7 is also in condition for allowance.

Regarding claim 8, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 8. For example, the Examiner cites “(receiving device type, paragraph 0111)” as allegedly teaching “wherein said step of receiving said first appropriate response to said first message comprises receiving a message comprising information about a type of said first device.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said step of receiving said first appropriate response to said first message comprises receiving a message comprising information about a type of said first device.” Thus, Applicant submits claim 8 is in condition for allowance.

Regarding claim 9, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 9. For example, the Examiner cites “(receiving device type such as router that has forwarding capabilities, paragraph 0111)” as allegedly teaching “wherein said step of receiving said first appropriate response to said first message comprises receiving a message identifying said type of said first device as a device having data forwarding capabilities.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said step of receiving said first appropriate response to said first message comprises receiving a message identifying said type of said first device as a device having data forwarding capabilities.” Moreover, Applicant submits paragraph 0111 does not state “...router that has forwarding capabilities.” Thus, Applicant submits claim 9 is in condition for allowance.

Regarding claim 10, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 10. For example, the Examiner cites “(receiving device type, paragraph 0111)” as allegedly teaching “wherein said step of failing to receive said second appropriate response to said second message comprises receiving a message comprising information about a type of a second device associated with said second network address.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said step of failing to receive said

second appropriate response to said second message comprises receiving a message comprising information about a type of a second device associated with said second network address.” Thus, Applicant submits claim 10 is in condition for allowance.

Regarding claim 11, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 11. For example, the Examiner cites “(receiving device type such as router that has forwarding capabilities, paragraph 0111)” as allegedly teaching “wherein said step of failing to receive said second appropriate response to said second message comprises receiving a message identifying said type of said second device as a device other than a device having data forwarding capabilities.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said step of failing to receive said second appropriate response to said second message comprises receiving a message identifying said type of said second device as a device other than a device having data forwarding capabilities.” Moreover, Applicant submits paragraph 0111 does not state “...router that has forwarding capabilities.” Thus, Applicant submits claim 11 is in condition for allowance.

Regarding claim 12, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 12. For example, the Examiner cites “(collect device configuration data such as MIB tables prior to sending SNMP_GET message, paragraphs 0115, 0117)” as allegedly teaching “obtaining configuration information for said first message prior to sending said first message.” However, Applicant submits that while paragraph 0117 states, “It should be noted that the sequential order of these steps (as presented in FIG. 6) is not essential,” paragraph 0117 contains only the example of “For example, it may be easier to perform the device classification in parallel with alias detection.” Moreover, Applicant submits an attempt to reverse the order of “The fifth step (455)” of paragraph 0115 with a step allegedly involving sending SNMP_GET message, of which “The first step (451)” of paragraph 0106 is apparently considered to be an example, would render the technique of Bearden et al. inoperative, as Bearden et al. appear to teach inherent dependencies that limit the applicability of the alleged teachings of paragraph 0117. Moreover, Applicant submits the cited portions of Bearden et al. fail to disclose “obtaining configuration information for said first message...” Thus, Applicant submit the alleged teachings fails to disclose “obtaining configuration

information for said first message prior to sending said first message.” Thus, Applicant submits claim 12 is in condition for allowance.

Regarding claim 13, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 13. For example, the Examiner cites “(collecting configuration data from each device, paragraph 0115)” as allegedly teaching “wherein said step of obtaining said configuration information for said first message comprises obtaining said configuration information from said first set.” Applicant notes claim 1 recites, “selecting a first network address from a first set comprising a plurality of network addresses.” Applicant also notes claim 13 recites, “obtaining configuration information from said first set.” Applicant submits “(collecting configuration data from each device, paragraph 0115),” as alleged by the Examiner, fails to disclose the subject matter recited in claim 13. Thus, Applicant submits claim 13 is in condition for allowance.

Regarding claim 14, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 14. For example, the Examiner cites “(obtaining estimate response time interval for each monitored network device, paragraph 0210)” as allegedly teaching “wherein said step of obtaining said configuration information for said first message comprises obtaining a response time period.” Applicant notes claim 14 depends from claim 12, which recites, “obtaining configuration information for said first message prior to sending said first message.” Applicant also notes claim 12 depends from claim 1, which recites “sending a first message to said first network address requesting information about any device associated with said first network address,” which the Examiner alleges “paragraph 0106” as teaching. Paragraph 0106 states, “For example, SNMP_GET messages can be used as the probe message. An SNMP_GET message is a fundamental SNMP message to request a MIB object from a device.” Paragraph 0210, as cited by the Examiner with respect to claim 14, states, “...record two timestamps for each SNMP request...the maximum difference between the request and reply timestamps of all measurements collected during an interval is an estimate of that device’s response time....” Accordingly, Applicant submits the actual teachings of Bearden et al. cannot be construed in the manner the Examiner has attempted to do so as to allegedly teach all of the limitations of claim 14 and the claims from which it depends. Thus, Applicant submits claim 14 is in condition for allowance.

Regarding claim 15, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 15. For example, the Examiner cites “(collecting MIB data, paragraphs

0112, 0115)” as allegedly teaching “wherein said step of obtaining said configuration information for said first message comprises obtaining security parameters.” Applicant can find no description of “obtaining security parameters” in the cited portions of Bearden et al. Thus, Applicant submits claim 15 is in condition for allowance.

Regarding claim 16, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 16. For example, the Examiner cites “(making device available by storing the data discovery results including the device type and address in the database comprising the discovered devices, paragraphs 0106, 0116)” as allegedly teaching “wherein said step of making said first device available for selection for management by a network management system comprises adding said first device to a set of discovered devices.” Applicant has presented arguments for the allowability of claim 1, from which claim 16 depends. Thus, Applicant submits claim 16 is in condition for allowance.

Regarding claim 18, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 18. For example, the Examiner cites “(devices discovered in the discovery phase are displayed on a device, see Figs. 19A, 19B and paragraph 0233)” as allegedly teaching “displaying said set of discovered devices on a display device.” Applicant notes paragraph 0233, cited by the Examiner, states, “FIGS. 19A and B shows examples of detailed information available for an individual device.” Applicant submits the cited portions of Bearden et al. fail to disclose “displaying said set of discovered devices....” Thus, Applicant submits claim 18 is in condition for allowance.

Regarding claim 19, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 19. For example, the Examiner cites “(a list of IP addresses, paragraphs 0012, 0013, 0106)” as allegedly teaching “creating said first set of network addresses.” Applicant notes paragraph 0106, cited by the Examiner, states, “A list of addresses is obtained by recording the addresses that respond to the requests.” Applicant notes claim 19 depends from claim 1. Applicant submits the portions of Bearden et al. cited by the Examiner fail to disclose the features of claim 19 and claim 1 from which claim 19 depends. Thus, Applicant submits claim 19 is in condition for allowance.

Regarding claim 20, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 20. For example, the Examiner cites “(a subnet of IP addresses which comprises a beginning IP address and an ending IP address, paragraphs 0012, 0013)” as allegedly teaching “wherein said step of creating said first set of network addresses comprises receiving a beginning network address and an ending network address.” Applicant notes claim 20 depends from claim 19, which depends from claim 1. Applicant notes paragraphs 0012 and 0013 merely describe “subnets,” but that none of the teaching alleged by the Examiner with respect to claims 1 and 19 appear to refer to “subnets.” For example, paragraph 0106, which the Examiner asserts with respect to claims 1 and 19, describes “probe addresses in the network to get a list of addresses used by devices in the network” in a manner that would appear not to involve “subnets.” Thus, Applicant submits the teachings of paragraph 0012 and 0013 are not applicable to the teachings of paragraph 0106, but are merely general background material under the heading “BACKGROUND OF THE INVENTION.” Thus, Applicant submits claim 20 is in condition for allowance.

Regarding claim 22, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 22. For example, the Examiner cites “(receiving an address associated with a device)” as allegedly teaching “receiving a fifth message from a fifth device associated with a fifth network address” and “(classify device by identifying and classifying the device type, paragraph 0111)” as allegedly teaching “making said fifth device available for selection for management by a network management system.” However, the Examiner does not cite a portion of Bearden et al. where the alleged teaching “(receiving an address associated with a device)” is located, and Applicant cannot find such teaching in either of cited paragraph 0111. Thus, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 22. For example, the Examiner cites “SNMP_GET message, paragraph 0106)” as allegedly teaching “wherein said step of receiving said fifth message from said fifth device comprises receiving a SNMP message.” Applicant has presented arguments of the allowability of claims 1 and 22, from which claim 23 depends. Thus, Applicant submits claim 23 is in condition for allowance.

Regarding claim 24, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 24. For example, the Examiner cites “(making device available by

storing the data discovery results including the device type, address in the database comprising the discovered devices, paragraph 0106, 0116)” as allegedly teaching “wherein said step of making said fifth device available for selection for management by a network management system comprises adding said fifth device to a set of discovered devices.” Applicant has presented arguments for the allowability of claims 1 and 22, from which claim 24 depends. Thus, Applicant submits claim 24 is in condition for allowance.

Regarding claim 25, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 25. For example, the Examiner cites “(receiving an address associated with a device)” as allegedly teaching “receiving a first message from a first device associated with a first network address” and “(classify device by identifying and classifying the device type, paragraph 0111)” as allegedly teaching “making said first device available for selection for management by a network management system.” However, the Examiner does not cite a portion of Bearden et al. where the alleged teaching “(receiving an address associated with a device)” is located, and Applicant cannot find such teaching in either of cited paragraph 0111. Thus, Applicant submits claim 25 is in condition for allowance.

Regarding claim 26, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 26. For example, the Examiner cites “(using SNMP to reply to the requested SNMP_GET message, paragraph 0106)” as allegedly teaching “wherein said step of receiving said first message from said first device comprises receiving a SNMP message.” Applicant has presented arguments for the allowability of claim 25, from which claim 26 depends. Thus, Applicant submits claim 26 is in condition for allowance.

Regarding claim 27, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 26. For example, the Examiner cites “(using SNMP to reply a network address for the requested SNMP_GET message, paragraph 0106)” as allegedly teaching “wherein said step of receiving said first message from said first device comprises receiving a first network address associated with said first device.” Applicant notes paragraph 0106 states, “...SNMP message to request a MIB object from a device...we expect all devices using SNMP to reply with the requested object...” Applicant can find no description of “using SNMP to reply a network address for the requested SNMP_GET message” in paragraph 0106. Thus, Applicant submits claim 27 is in condition for allowance.

Regarding claim 28, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 28. For example, the Examiner cites “(sending a SNMP message to request a MIB object from a device, paragraph 0106)” as allegedly teaching “sending a second message to said first network address requesting information about said first device,” “(awaiting SNMP response during a response time interval, paragraph 0210)” as allegedly teaching “awaiting a second appropriate response to said second message,” and “(receiving the requested MIB object from the device, paragraph 0106)” as allegedly teaching “receiving a second appropriate response from said first device.” Applicant notes the Examiner has already asserted “(using SNMP to reply to the requested SNMP_GET message, paragraph 0106)” with respect to claim 26 of which claim 28 is a dependent claim. Applicant can find no description of “sending a second message to said first network address” or “receiving a second appropriate response from said first device” in paragraph 0106. Thus, Applicant submits claim 27 is in condition for allowance.

Regarding claim 29, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 29. For example, the Examiner cites “(receiving device type, paragraph 0111)” as allegedly teaching “wherein said step of receiving said second appropriate response comprises receiving a message comprising information about a type of said first device.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said step of receiving said second appropriate response comprises receiving a message comprising information about a type of said first device.” Thus, Applicant submits claim 29 is in condition for allowance.

Regarding claim 30, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 30. For example, the Examiner cites “(receiving device type such as router that has forwarding capabilities, paragraph 0111)” as allegedly teaching “wherein said step of receiving said second appropriate response comprises receiving a message identifying said type of said first device as a device having data forwarding capabilities.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said step of receiving said first

appropriate response to said first message comprises receiving a message identifying said type of said first device as a device having data forwarding capabilities.” Moreover, Applicant submits paragraph 0111 does not state “...router that has forwarding capabilities.” Thus, Applicant submits claim 30 is in condition for allowance.

Regarding claim 31, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 31. For example, the Examiner cites “(user interface for displaying information gathered about network devices at the discovery phase, paragraph 0233)” as allegedly teaching “a display device comprising a discovery range window for displaying a network address range for discovery of network devices” and “(device address is displayed, Fig. 24) as allegedly teaching “a discovered devices window for displaying identification information for devices discovered within said network address range.” However, Applicant notes paragraph 0233 refers to “FIGS. 19A and B,” not Fig. 24. Applicant also can find no reference to “device address is displayed” in Fig. 24. Applicant further notes paragraph 0233, cited by the Examiner, states, “FIGS. 19A and B shows examples of detailed information available for an individual device.” Applicant submits the cited portions of Bearden et al. fail to disclose “a display device comprising a discovery range window for displaying a network address range for discovery of network devices” and “a discovered devices window for displaying identification information for devices discovered within said network address range.” Thus, Applicant submits claim 31 is in condition for allowance.

Regarding claim 32, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 32. For example, the Examiner cites “(user can input manual edits by interacting with visual network topology display and user can modify or add link entries to the topology, paragraph 0103)” as allegedly teaching “a user interface for accepting input from a user, said user interface comprising means for said user to specify said discovery range.” However, Applicant submits paragraph 0103 does not describe “...means for said user to specify said discovery range.” Thus, Applicant submits claim 32 is in condition for allowance.

Regarding claim 33, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 33. For example, the Examiner cites “(paragraph 0233 and Figs. 19A, Fig. B)” as allegedly teaching “wherein said user interface comprises means for said user to select one or more of said discovered devices displayed in said discovered devices window for management by a network management system.” However, Applicant notes paragraph 0233, cited by the Examiner,

states, "FIGS. 19A and B shows examples of detailed information available for an individual device." Applicant submits the cited portions of Bearden et al. fail to disclose "wherein said user interface comprises means for said user to select one or more of said discovered devices displayed in said discovered devices window for management by a network management system." Thus, Applicant submits claim 33 is in condition for allowance.

Regarding claim 34, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 34. For example, the Examiner cites "(sending a SNMP_GET message to request a common MIB object from a device associated with an network address in a network)" as allegedly teaching "a network communications system for sending network communications to each network address in said discovery range" and "(all devices using SNMP to reply with the requested object, paragraph 0106)" as allegedly teaching "for receiving responses from any network address in said discovery range." However, Applicant submits "(sending a SNMP_GET message to request a common MIB object from a device associated with an network address in a network)" fails to disclose "a network communications system for sending network communications to each network address in said discovery range." Also, Applicant submits "(all devices using SNMP to reply with the requested object, paragraph 0106)" fails to disclose "for receiving responses from any network address in said discovery range." Thus, Applicant submits claim 34 is in condition for allowance.

Regarding claim 35, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 35. For example, the Examiner cites "(a plurality of addresses that belong to the same subnet, paragraph 0012)" as allegedly teaching "wherein said range comprises a plurality of contiguous network addresses." Applicant notes claim 35 depends from claims 31 and 32. Applicant notes paragraph 0012 merely describes "subnets," but that none of the teaching alleged by the Examiner with respect to claims 31 and 32 appear to refer to "subnets." Thus, Applicant submits the teachings of paragraph 0012 are merely general background material under the heading "BACKGROUND OF THE INVENTION." Thus, Applicant submits claim 35 is in condition for allowance.

Regarding claim 36, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 36. For example, the Examiner cites "(a plurality of addresses that belongs to another subnet, paragraph 0012, 0013)" as allegedly teaching "wherein said range comprises a plurality of discreet, non-contiguous network addresses." Applicant notes claim 36

depends from claim 32, which depends from claim 31. Applicant notes paragraphs 0012 and 0013 merely describe “subnets,” but that none of the teaching alleged by the Examiner with respect to claims 31 and 32 appear to refer to “subnets.” Thus, Applicant submits the teachings of paragraph 0012 and 0013 are merely general background material under the heading “BACKGROUND OF THE INVENTION.” Thus, Applicant submits claim 36 is in condition for allowance.

Regarding claim 37, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 37. For example, the Examiner cites “(the device discovery in the topology discovery element 310 learned the subnet address for the discovered devices, paragraph 0110)” as allegedly teaching “a message response analyzer for analyzing responses received from network addresses in said discovery range.” Applicant can find no description of “...in said discovery range” in paragraph 0110, as cited by the Examiner. Thus, Applicant submits claim 37 is in condition for allowance.

Regarding claim 38, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 38. For example, the Examiner cites “(topology discovery, element 310, Fig. 4)” as allegedly teaching “wherein said message response analyzer” and “(topology discovery element comprises the function for receiving device type such as router that has forwarding capabilities, paragraph 0111) as allegedly teaching “comprises identification means for identifying a type of a device sending a response.” Applicant can find no description of “(topology discovery, element 310, Fig. 4)” as disclosing a “message response analyzer.” Thus, Applicant submits claim 38 is in condition for allowance.

Regarding claim 39, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 39. For example, the Examiner cites “(topology discovery 310 comprises means for recording the address of the device, paragraph 0106)” as allegedly teaching “wherein said network communications system comprises means for receiving messages originating from network devices.” Applicant can find no description of “topology discovery 310 comprises means for recording the address of the device” in paragraph 0106. Thus, Applicant submits claim 39 is in condition for allowance.

Regarding claim 40, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 40. For example, the Examiner cites “(topology discovery 310

comprises means for receiving SNMP reply from devices, paragraph 0106)” as allegedly teaching “wherein said means for receiving messages originating from network devices comprises means for receiving SNMP messages.” Applicant can find no description of “topology discovery 310 comprises means for receiving SNMP reply from devices” in paragraph 0106. Thus, Applicant submits claim 40 is in condition for allowance.

Regarding claim 41, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 41. For example, the Examiner cites “(IP addresses, paragraphs 0106, 0012, 0013)” as allegedly teaching “wherein said discovery range comprises IP addresses.” Applicant can find no description of “...discovery range...” in paragraphs 0012, 0013, or 0106. Thus, Applicant submits claim 41 is in condition for allowance.

Regarding claim 42, Applicant submits the cited portions of Bearden et al. fail to disclose the subject matter recited in claim 42. For example, the Examiner cites “(identifying device type, paragraph 0111)” as allegedly teaching “wherein said discovered devices window comprises information identifying a discovered device's type.” However, Applicant submits paragraph 0111 merely states, “This step identifies the type of each device (e.g., router, switch, printer, host) so that the system can later request information by device type (e.g., request a list of all routers) and layer.” Applicant submits such teaching fails to disclose “wherein said discovered devices window comprises information identifying a discovered device's type.” Thus, Applicant submits claim 42 is in condition for allowance

The Examiner has rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Bearden et al. (U.S. Patent No. 6,917,626). Applicant respectfully disagrees.

Regarding claim 17, the Examiner acknowledges Bearden et al. fails to explicitly show the method of claim 16 wherein said step of adding said first device to a set of discovered devices comprises the step of deleting an existing device associated with said first network address from said set of discovered devices prior to adding said first device to said set of discovered devices. The Examiner alleges, “However, Bearden discloses that each device is uniquely assigned an address that an existing device [sic],” which Applicant cannot understand. Thus, Applicant submits the Examiner has failed to present a *prima facie* showing of obviousness. Therefore, Applicant submits claim 17 is in condition for allowance.

The Examiner has rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Bearden et al. in view of Novaes (U.S. Patent No. 6,791,981). Applicant respectfully disagrees.

Regarding claim 21, the Examiner acknowledges that Bearden et al. fails to explicitly show the method of claim 19 wherein said step of creating said first set of network addresses comprises receiving a data file containing a plurality of discrete network addresses. The Examiner alleges Novaes discloses storing IP addresses in a configuration file and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the device discovery method and system of Bearden with the teaching of Novaes such that the plurality of network addresses will be received in a data file. The Examiner alleges the motivation to do so is to make the configuration file containing the IP addresses available to other network nodes during broadcast. Applicant submits the Examiner does not explain how the Examiner contends such alleged motivation relates to the claimed invention. Applicant further submits the Examiner does not explain how the supposed teachings of Bearden et al. would accommodate such supposed teaching of Novaes. Thus, Applicant submits the subject matter of claim 21 remains nonobvious over the teachings of the cited references. Therefore, Applicant submits claim 21 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

Date

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